

REMARKSA. TOGNAZZINI '512 IS OVERCOME AS A 35 USC § 102(e) REFERENCE

Currently amended independent claims 1 and 29 include authorizing a transaction with an electronically generated signature, and providing for retrieval of a user viewable image of the electronically captured signature. Support for retrieval of a use viewable image of the electronically captured signature appears at the very bottom of Fig. WP12.

Without conceding that Tognazzini '512 anticipates any of claims 1, 3, 4, 9-11, 23, or 27, as urged by the Examiner, applicants note that at best Tognazzini can present a digital signature (see '512 patent, Fig. 4, very bottom) relating to a transaction. But a digital signature, i.e., a cryptographically generated number intended to prevent user repudiation, is hardly as useful to a viewer as is an image of the user's electronically captured signature. A glance at a an image of the captured signature allows the user to determine by inspection whether indeed the signature appears valid. A glance at a digital signature is simply to look at a numerical value.

Thus applicants submit that because Tognazzini '512 fails to disclose every step or element recited in the presently pending claims, Tognazzini '512 must be withdrawn as a 35 USC §102(e) reference. Thus pending claims 1, 3, 4, 9-11, 23, and 27 are not anticipated by this reference.

B. CLAIMS 13, 14, AND 21 ARE PATENTABLE OVER TOGNAZZINI '512 IN
VIEW OF KOBAYASHI '825

As noted above, Tognazzini '512 does not disclose capturing for possible retrieval and user viewing a user viewable image of an electronically captured signature. Claims 13, 14, and 21 depend from currently amended claim 1, and are simply not disclosed or suggested by Tognazzini '512.

At best Kobayashi '825 appears to provide a mechanism operable to search text line item descriptions in a record repository, and to retrieve and print selections from such records.

But even if it there were motivation to to meld together what is disclosed or suggested in Tognazzini '512 with what is disclosed or suggested in Kobayashi '825, and even if such a composite system could function (and applicants do not concede either point), nonetheless a Tognazzini/Kobayashi system or method would not provide for retrieval of a user viewable image of an electronically captured signature. In fact, to the best of applicants's knowledge, the term "signature" never appears in Kobayashi '825.

Thus applicants respectfully submit that because claims 13, 14, and 21 depend from currently amended claim 1 (which affirmatively recites the ability to retrieve an "electronically generated user-viewable image" of an "electronically capture signature", claims 13, 14, and 21 are not unpatentable over any combination of Tognazzini/Kobayashi, again assuming such combination were desirable and feasible.

C. CLAIMS 22-26 AND 29-31 ARE PATENTABLE OVER TOGNAZZINI '512

Claims 22-26 depend from currently amended claim 1, and thus require the ability to retrieve "an electronically generated user-viewable image" of an "electronically captured signature". But as noted above in section B herein, Tognazzini '512 can at best provide an digital signature, but not an image of the electronically captured signature.

Claims 29-31 depend from currently amended independent claim 29, which requires that a retrievable copy of an electronic record include "a user-viewable image" of the "electronically captured signature". This functionality is not present in Tognazzini '512, which as noted can only retrieve a digital signature, not an image of an electronically captured signature.

Thus applicants submit that claims 22-26, and 29-31 are not rendered obvious or unpatentable by what is disclosed or suggested in Tognazzini '512.

CONCLUSION

For the above reasons, applicants submit that this Amendment should be entered, and that pending claims 1, 3, 4, 9-11, 13, 14, 21-27 and 29-31 should be passed to allowance at this time.

Applicants believe that no additional fees are due at this time. However, the Commissioner is nonetheless hereby authorized to charge any additional fees which may be due, including extension fees, or credit any overpayment to Deposit Account No. 50-2319 (our Order No. 467766-00094 [A-65188-1/MAK]).

Respectfully submitted,

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